



Docket No.: NEL-006
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Jonathan P. Wong et al.

Application No.: 10/091,567

Confirmation No.: 7851

Filed: March 7, 2002

Art Unit: 1648

For: DNA VACCINE USING LIPOSOME-
ENCAPSULATED PLASMID DNA
ENCODING FOR HEMAGGLUTININ
PROTEIN OF INFLUENZA VIRUS

Examiner: M. G. Hill

NOTICE OF APPEAL

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the Office Action dated September 21, 2007 of the Examiner rejecting claims 20-32.

Pursuant to practice and procedures within the U.S. Patent and Trademark Office, any previously paid appeal fees set forth in 37 CFR 41.20 for filing a notice of appeal, filing an appeal brief, and requesting an oral hearing (if applicable) will be applied to the new appeal on the same application as long as a final Board decision has not been made on the prior appeal. M.P.E.P. §1204.01.

Accordingly, please apply the fee paid on July 13, 2005 for the Notice of Appeal.

If, however, the appeal fees have increased since they were previously paid, then appellant must pay the difference between the current fee(s) and the amount previously paid.

Adjustment date: 03/24/2008 DEHMANU1
02714/2005 JAD501 00000009 100013 10091567
02 FC:1401 -500.00 CR

03/24/2008 DEHMANU1 00000038 100013 10091567
01 FC:1401 510.00 DA

Accordingly, the Director is hereby authorized to charge \$10.00 to Deposit Account 18-0013 to cover the additional fee for this Notice of Appeal. 37 C.F.R. §41.20(b)(1).

If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

Dated: March 21, 2008

Respectfully submitted,

By 

Brian K. Dutton

Registration No.: 47,255

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Correspondence Customer Number: 23353

Attorney for Applicant